

Appl. No. 10/049,191
Amdt. dated February 21, 2006
Reply to Office action of September 23, 2005

REMARKS

Reconsideration is respectfully requested. Claims 1-3 are present in the application. Claims 4 and 5 are canceled.

Claims 1 and 2 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Hanzek, U.S. patent 6,654,726 in view of Lemelson et al (Re. 31,239).

Applicants respectfully traverse.

In reply to the response filed to the first office action, the Examiner raises new grounds of rejection, adding, to reject claims 1 and 2, in addition to the Hanzek document of the first action (U.S. 6,654,726), the newly cited Lemelson document (U.S. RE31,239) to allegedly show "inspection" by remote presentation of images of an ordered product. The Examiner refers to column 6, line 62 through column 7, line 17 of Lemelson as making such teaching.

Applicants respectfully traverse this rejection. Study of Lemelson shows that the "inspection" of Lemelson is different than the "visual inspection" of applicant's claims 1-3. In Lemelson, the term "inspection" is used in the sense of simple observation of an item, not a quality control inspection for defects as is meant in the context of applicants' claims.

The difference is that Lemelson is not providing an image resulting from a visual inspection process, but instead is

Appl. No. 10/049,191
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allowing the person to "inspect" (in the sense of "look at") an item on a conveyor.

The Examiner also seems to interpret the claims this way also, given on page 4 of the office action at the top of the page, where the Examiner recites that Lemelson teaches "presentation of visual images of such ordered products . . . ".

But as is noted, this is different than allowing the option to select a visual image of a visual inspection made at a pre-completion stage, to allow the purchaser to examine the inspected product.

Lemelson mentions the word "inspection" only one time in the entire document, at the portion referred to by the Examiner in the office action. It is respectfully submitted that this fact, that "inspection" is mentioned only one time in Lemelson, further supports the conclusion that the "inspection" of Lemelson is unrelated to the "visual image of a visual inspection" as in applicants' claims. It is accordingly submitted that claims 1-3 are neither taught nor suggested by Hanzek and Lemelson et al, whether considered alone or whether combined.

Claim 3 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Hanzek in view of Lemelson et al as applied in respect to claim 1 above, and further in view of Kerazkowski et al, U.S. 6,221,538.

Appl. No. 10/049,191
Amdt. dated February 21, 2006
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Applicants respectfully traverse. Since as noted above, claim 1 is submitted to be allowable over Hanzek in view of Lemelson et al, and claim 3 depends on claim 1, the addition of Kerazkowski et al does not provide sufficient additional teaching to overcome the lack of Hanzek and Lemelson to teach what applicants claim. Accordingly, claim 3 is also submitted to be allowable.

Claims 4 and 5 are rejected over U.S. 6,654,726 in view of U.S. 6,221,538 (Kerazkowski). Note that there is a typographical error in the office action at page 5, numbered paragraph 12, where the Examiner appears to be rejecting claim 3, but it is we believe clear from the context that the Examiner's intent is to reject claims 4 and 5 with this paragraph.

In order to further the prosecution of this application with respect to claims 1-3, claims 4 and 5 are canceled herewith without prejudice of the right to file continuation applications directed thereto.

In summary, it is respectfully submitted that claims 1-3 are not taught by the documents relied on by the Examiner, since the "inspection" of Lemelson merely means "looking at", not a visual defect inspection.


In light of the above noted amendments and remarks, this application is believed in condition for allowance and notice thereof is respectfully solicited. The Examiner is asked to

Page 6 — RESPONSE (U.S. Patent Appln. S.N. 10/049,191)
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Appl. No. 10/049,191
Amdt. dated February 21, 2006
Reply to Office action of September 23, 2005

contact applicant's attorney at 503-224-0115 if there are any questions.


Respectfully submitted,


James H. Walters, Reg. No. 35,731

Customer number 802
DELLETT AND WALTERS
P.O. Box 82788
Portland, Oregon 97282-0788 US
(503) 224-0115
DOCKET: A-420

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